

FILED

SEP 30 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

VICTOR FLORES,
BENJAMIN CAMPOS-GONZALEZ,
ARMANDO ACOSTA, and
MARIO BERGREN,

Defendants.

NO. CR-12-0119-SI

SPECIAL VERDICT FORM

COUNT ONE

1A. As to each defendant listed below, has the government proven him guilty beyond a reasonable doubt of conspiring to conduct, or to participate in the conduct of, the affairs of an enterprise through a pattern of racketeering, in violation of 18 U.S.C. § 1962(d), as charged in Count One?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u>X</u>	<u> </u>
ARMANDO ACOSTA	<u>X</u>	<u> </u>
MARIO BERGREN	<u> </u>	<u>X</u>

1B. Please answer the following question only for any defendant you have found guilty in Question 1A.

As to each defendant listed below, has the government further proven beyond a reasonable doubt that the defendant agreed and understood that the pattern of racketeering for the racketeering conspiracy charged in Count One would include either murder or conspiracy to commit murder, or both? Write "Yes" or "No" in the spaces provided.

	MURDER	CONSPIRACY TO COMMIT MURDER
VICTOR FLORES	<u>Yes</u>	<u>Yes</u>
BENJAMIN CAMPOS-GONZALEZ	<u>No</u>	<u>NO</u>
ARMANDO ACOSTA	<u>NO</u>	<u>NO</u>
MARIO BERGREN	<u> </u>	<u> </u>

COUNT TWO

2. As to each defendant listed below, has the government proven him guilty beyond a reasonable doubt of conspiring to commit murder in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count Two?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>
ARMANDO ACOSTA	<u> </u>	<u>X</u>
MARIO BERGREN	<u> </u>	<u>X</u>

COUNT THREE

3. As to each defendant listed below, has the government proven him guilty beyond a reasonable doubt of conspiring to commit assault with a dangerous weapon in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count ~~Two~~ ^{Three}?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>
ARMANDO ACOSTA	<u> </u>	<u>X</u>
MARIO BERGREN	<u> </u>	<u>X</u>

COUNT FOUR

1
2 4A. As to defendants ARMANDO ACOSTA and MARIO BERGREN, has the government proven
3 him guilty beyond a reasonable doubt of using or possessing a firearm during or in furtherance of
4 Counts One, Two, or Three, in violation of 18 U.S.C. § 924(c), as charged in Count Four?

YES, GUILTY

NO, NOT GUILTY

5 ARMANDO ACOSTA

_____ X

6 MARIO BERGREN

_____ X

7
8 4B. Please answer the following question only for any defendant you have found guilty in Question
9 4A.

10 As to each defendant listed below, has the government further proven beyond a reasonable doubt
11 that he brandished or discharged a firearm in the commission of Count Four?

11 ARMANDO ACOSTA

12 YES

NO

13 Brandished

14 Discharged

16 MARIO BERGREN

17 YES

NO

18 Brandished

19 Discharged

COUNT TEN

5. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of murder in aid of racketeering of Gonzalo Avalos, in violation of 18 U.S.C. § 1959(a)(1), as charged in Count Ten?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT ELEVEN

6. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of murder in aid of racketeering of Omar Cortez, in violation of 18 U.S.C. § 1959(a)(1), as charged in Count Eleven?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT TWELVE

7. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of murder in aid of racketeering of Hector Flores, in violation of 18 U.S.C. § 1959(a)(1), as charged in Count Twelve?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT THIRTEEN

8. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of attempted murder in aid of racketeering of Ulysses Olguin, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count Thirteen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT FOURTEEN

9. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of attempted murder in aid of racketeering of Giovanni Ruiz, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count Fourteen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT FIFTEEN

10. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of attempted murder in aid of racketeering of Daniel Valadez, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count Fifteen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT SIXTEEN

11. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of attempted murder in aid of racketeering of Martin Brown, in violation of 18 U.S.C. § 1959(a)(5), as charged in Count Sixteen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

COUNT SEVENTEEN

12A. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of using a firearm during the commission of Counts Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, or Sixteen, and by such use, cause a murder, in violation of 18 U.S.C. § 924(j), as charged in Count Seventeen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

12B. Please answer the following question only for any defendant you have found guilty in Question 12A.

As to each defendant listed below, has the government further proven beyond a reasonable doubt that he brandished or discharged a firearm in the commission of Count Seventeen?

VICTOR FLORES

	YES	NO
Brandished	<u>X</u>	<u> </u>
Discharged	<u>X</u>	<u> </u>

BENJAMIN CAMPOS-GONZALEZ

	YES	NO
Brandished	<u> </u>	<u> </u>
Discharged	<u> </u>	<u> </u>

COUNT EIGHTEEN

13A. As to defendants VICTOR FLORES and BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of using or possessing a firearm during or in furtherance of Counts Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, or Sixteen, in violation of 18 U.S.C. § 924(c), as charged in Count Eighteen?

	YES, GUILTY	NO, NOT GUILTY
VICTOR FLORES	<u>X</u>	<u> </u>
BENJAMIN CAMPOS-GONZALEZ	<u> </u>	<u>X</u>

13B. Please answer the following question only for any defendant you have found guilty in Question 13A.

As to each defendant listed below, has the government further proven beyond a reasonable doubt that he brandished or discharged a firearm in the commission of Count Eighteen?

VICTOR FLORES

	YES	NO
Brandished	<u>X</u>	<u> </u>
Discharged	<u>X</u>	<u> </u>

BENJAMIN CAMPOS-GONZALEZ

	YES	NO
Brandished	<u> </u>	<u> </u>
Discharged	<u> </u>	<u> </u>

COUNT NINETEEN

1
2 14A. As to defendant ARMANDO ACOSTA, has the government proven him guilty beyond a
3 reasonable doubt of being an accessory after the fact to the crime of murder in aid of
4 racketeering charged in Counts Ten, Eleven, and Twelve, the crime of attempted murder in aid of
5 racketeering charged in Counts Thirteen, Fourteen, Fifteen, and Sixteen, the crime of using a
6 firearm during a crime of violence causing a murder charged in Count Seventeen, or the crime of
7 using or possessing a firearm during or in furtherance of a crime of violence charged in Count
8 Eighteen, in violation of 18 U.S.C. § 3, as charged in Count Nineteen?

YES, GUILTY

NO, NOT GUILTY

X

9 14B. Please answer the following question only if you have found ARMANDO ACOSTA guilty in
10 Question 14A.

11 Has the government further proven beyond a reasonable doubt that ARMANDO ACOSTA was
12 an accessory after the fact to any of the following crimes: (i) murder in aid of racketeering,
13 charged in Counts Ten, Eleven, and Twelve; (ii) use of a firearm during a crime of violence
14 causing a murder, charged in Count Seventeen; and (iii) use or possession of a firearm during or
15 in furtherance of a crime of violence, charged in Count Eighteen? Write "Yes" or "No" in the
16 spaces provided.

YES

NO

Murder in aid of racketeering

XUse of a firearm during a
crime of violence causing a murderXUse or possession of a firearm during
or in furtherance of a crime of violenceXCOUNT TWENTY

22 15. As to defendant ARMANDO ACOSTA, has the government proven him guilty beyond a
23 reasonable doubt of conspiring to obstruct justice, in violation of 18 U.S.C. § 371, as charged in
24 Count Twenty?

YES, GUILTY

NO, NOT GUILTY

X

COUNT TWENTY-ONE

16. As to defendant ARMANDO ACOSTA, has the government proven him guilty beyond a reasonable doubt of obstructing justice, in violation of 18 U.S.C. § 1512(c)(2), as charged in Count Twenty-One?

YES, GUILTY

NO, NOT GUILTY

XCOUNT TWENTY-TWO

17. As to defendant ARMANDO ACOSTA, has the government proven him guilty beyond a reasonable doubt of concealing or destroying an object with the intent to obstruct an investigation, in violation of 18 U.S.C. § 1519, as charged in Count Twenty-Two?

YES, GUILTY

NO, NOT GUILTY

XCOUNT TWENTY-THREE

18. As to defendant BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of conspiring to commit robbery affecting interstate commerce, in violation of 18 U.S.C. § 1951(a), as charged in Count Twenty-Three?

YES, GUILTY

NO, NOT GUILTY

XCOUNT TWENTY-FOUR

19. As to defendant BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of committing robbery affecting interstate commerce, in violation of 18 U.S.C. § 1951(a), as charged in Count Twenty-Four?

YES, GUILTY

NO, NOT GUILTY

X

COUNT TWENTY-FIVE

20A. As to defendant BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of using or possessing a firearm during or in furtherance of the conspiracy to commit robbery affecting interstate commerce charged in Count Twenty-Three or the robbery affecting interstate commerce charged in Count Twenty-Four, in violation of 18 U.S.C. § 924(c), as charged in Count Twenty-Five?

YES, GUILTY

NO, NOT GUILTY

_____X_____

20B. Please answer the following question only if you have found BENJAMIN CAMPOS-GONZALEZ guilty of Count Twenty-Five in Question 20A.

Has the government further proven beyond a reasonable doubt that BENJAMIN CAMPOS-GONZALEZ brandished or discharged a firearm in the commission of Count Twenty-Five?

YES

NO

Brandished

Discharged

COUNT TWENTY-SIX

21. As to defendant BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of committing robbery affecting interstate commerce, in violation of 18 U.S.C. § 1951(a), as charged in Count Twenty-Six?

YES, GUILTY

NO, NOT GUILTY

_____X_____

COUNT TWENTY-SEVEN

22A. As to defendant BENJAMIN CAMPOS-GONZALEZ, has the government proven him guilty beyond a reasonable doubt of using or possessing a firearm during or in furtherance of robbery affecting interstate commerce charged in Count Twenty-Six, in violation of 18 U.S.C. § 924(c), as charged in Count Twenty-Seven?

YES, GUILTY

NO, NOT GUILTY

X

22B. Please answer the following question only if you have found BENJAMIN CAMPOS-GONZALEZ guilty of Count Twenty-Seven in Question 22A.

Has the government further proven beyond a reasonable doubt that BENJAMIN CAMPOS-GONZALEZ brandished or discharged a firearm in the commission of Count Twenty-Seven?

YES

NO

Brandished

Discharged

COUNT THIRTY

23. As to defendant VICTOR FLORES, has the government proven him guilty beyond a reasonable doubt of the attempted murder of federal officer Anwar Thompson, in violation of 18 U.S.C. §§ 1114 and 1113, as charged in Count Thirty?

YES, GUILTY

NO, NOT GUILTY

X

COUNT THIRTY-ONE

24. As to defendant VICTOR FLORES, has the government proven him guilty beyond a reasonable doubt of the attempted murder of federal officer Timothy O'Hara, in violation of 18 U.S.C. §§ 1114 and 1113, as charged in Count Thirty-One?

YES, GUILTY

NO, NOT GUILTY

X

COUNT THIRTY-TWO

25. As to defendant VICTOR FLORES, has the government proven him guilty beyond a reasonable doubt of the attempted murder of federal officer Brian Homcy, in violation of 18 U.S.C. §§ 1114 and 1113, as charged in Count Thirty-Two?

YES, GUILTY

NO, NOT GUILTY

XCOUNT THIRTY-THREE

- 26A. Please answer the following question only if you have found VICTOR FLORES guilty of Counts Thirty, Thirty-One, or Thirty-Two.

As to defendant VICTOR FLORES, has the government proven him guilty beyond a reasonable doubt of using or possessing a firearm during or in furtherance of Counts Thirty, Thirty-One, or Thirty-Two, in violation of 18 U.S.C. § 924(c), as charged in Count Thirty-Three?

YES, GUILTY

NO, NOT GUILTY

X

- 26B. Please answer the following question only if you have found VICTOR FLORES guilty of Count Thirty-Three in Question 26A.

Has the government further proven beyond a reasonable doubt that VICTOR FLORES brandished or discharged a firearm in the commission of Count Thirty-Three?

YES

NO

Brandished

X

Discharged

X

DATED: 9/30/14


 FOREPERSON